

Exhibit A

From: Amanda <amanda@mgmattorneys.com>
Sent: Thursday, April 12, 2018 5:45 PM
To: Richard North; Maria Turner; Matthew Lerner
Subject: Mary Beth Orr v. C.R. Bard, Inc., et al., Short Form Complaint, Request to Waive and Waiver of Service
Attachments: 1_Orr_SFC_4.11.2018.pdf; Request to Waive Service.pdf; Waiver of Service.pdf

Dear Counsel:

Attached please find the Short Form Complaint filed on behalf of Ms. Orr together with a Request to Waive Service and a Waiver of Service. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Amanda L. Washington
MCGLYNN, GLISSON & MOUTON
340 Florida Street
Baton Rouge, LA 70801
Phone: 225-344-3555
Fax: 225-228-2294
Email: Amanda@MGMattorneys.com

Amanda L. Washington, *admitted pro hac vice* (LA SBN: 34811)
McGLYNN, GLISSON AND MOUTON
340 Florida Street
Baton Rouge, LA 70801
T: (225) 344-3555
F: (225) 344-3666
Email: amanda@mcglynnglisson.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Mary Beth Orr

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Pennsylvania

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Pennsylvania

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Pennsylvania

7. District Court and Division in which venue would be proper absent direct filing:

USDC Eastern District of Pennsylvania, USDC for the District of New Jersey

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☒ G2[®] Vena Cava Filter
- ☐ G2[®] Express Vena Cava Filter
- ☐ G2[®] X Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

10/21/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*

1 RESPECTFULLY SUBMITTED on this 11th day of April, 2018.

2 **MCLGYNN, GLISSON AND MOUTON**

3
4 By: s/Amanda L. Washington

Amanda L. Washington, *admitted pro hac vice*
(LA SBN: 34811)

5 340 Florida Street

Baton Rouge, LA 70801

6 T: (225) 344-3555

F: (225) 344-3666

7 Email: amanda@mcglynnnglisson.com

Attorney for Plaintiff

8
9 I hereby certify that on this 11th day of April, 2018, I physically transmitted the
10 attached document to the Clerk's Office using the Electronic Filing System for filing and
11 transmittal of a Notice of Electronic Filing.

12
13
14 /s/ Amanda L. Washington

Amanda L. Washington

UNITED STATES DISTRICT COURT

for the
District of Arizona

Mary Beth Orr

Plaintiff

v.

C.R. Bard, Inc., et al.

Defendant

Civil Action No. 2:18-cv-1109

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: C.R. Bard through Attorney of Record

*(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)***Why are you getting this?**

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 04/12/2018s/Amanda L. Washington*Signature of the attorney or unrepresented party*Amanda L. Washington*Printed name*

340 Florida Street
Baton Rouge, LA 70801

*Address*amanda@mcglynnnglisson.com*E-mail address*(225) 344-3555*Telephone number*

UNITED STATES DISTRICT COURT

for the
District of Arizona_____
Mary Beth Orr_____
Plaintiff

v.

C.R. Bard, Inc., et al._____
Defendant)
)
)
)
)
)

Civil Action No. 2:18-cv-1109

WAIVER OF THE SERVICE OF SUMMONS

To: _____
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 04/12/2018, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

*Signature of the attorney or unrepresented party*_____
*Printed name of party waiving service of summons*_____
*Printed name*_____
*Address*_____
*E-mail address*_____
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.